IMMIGRATION AND NATURALIZATION SERVICE

Student And School Regulations

IMMIGRATION AND NATURALIZATION SERVICE
STUDENT AND SCHOOL REGULATIONS

The purpose of the foreign student program is to enable bona fide foreign students to come to the United States to study. There are two types of foreign students, F-1 academic students and students in language training programs and M-1 nonacademic or vocational students not in language training programs. These students attend schools in the United States which are approved by this Service for their attendance.

Designated school officials at approved schools may sign certain forms relating to and have other responsibilities with respect to foreign students. The cooperation of designated school officials is an essential element in the successful administration of the foreign student program.

Designated school officials are required by Service regulations to sign statements that they have read certain specific sections of the regulations relating to foreign students and approved schools and that they intend to comply with them. This publication contains all sections of the regulations which they must read. Further information about these regulations or other aspects of the foreign student program may be obtained from any office of this Service.

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Immigration and Naturalization

(b) Readmission of nonimmigrants under section 101(a)(15)(F), (J), or (M) to complete unexpired periods of previous admission or extension of stay- (1) Section 101(a)(15)(F). The inspecting immigration officer shall readmit for duration of status as defined in § 214.2(f)(5)(iii), any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to 22 CFR 41.125(f) and who is applying for readmission under section 101(a)(15)(F) of the Act, if the alien -

(i) Is admissible;

(ii) Is applying for readmission after an absence from the United States not exceeding thirty days solely in contiguous territory or adjacent islands;

(iii) Is in possession of a valid passport unless exempt from the requirement for presentation of a passport; and

(iv) Presents, or is the accompanying spouse or child of an alien who presents, an Arrival-Departure Record, Form I-94, issued to the alien in connection with the previous admission or stay, the alien's Form I-20 ID copy, and either-

(A) A properly endorsed page 4 of Form I-20A-B if there has been no substantive change in the information on the student's most recent Form I-20A since the form was initially issued; or

(B) A new Form I-20A-B if there has been any substantive change in the information on the student's most recent Form I-20A since the form was initially issued.

(2) Section 101(a)(15)(J). The inspecting immigration officer shall readmit for the unexpired period of stay authorized prior to the alien's departure, any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to 22 CFR 41.125(f) and who is applying for readmission under section 101(a)(15)(J) of the Act, if the alien -

(i) Is admissible;

(ii) Is applying for readmission after an absence from the United States not exceeding thirty days solely in contiguous territory or adjacent islands;

(iii) Is in possession of a valid passport unless exempt from the requirement for the presentation of a passport; and

(iv) Presents, or is the accompanying spouse or child of an alien who presents, Form I-94 issued to the alien in connection with the previous admission or stay or copy three of the last Form IAP-66 issued to the alien. Form I-94 or Form IAP-66 must show the unexpired period of the alien's stay endorsed by the Service.

(3) Section 101(a)(15)(M). The inspecting immigration officer shall readmit for the unexpired period of stay authorized prior to the alien's departure, any nonimmigrant alien whose nonimmigrant visa is considered automatically revalidated pursuant to 22 CFR 41.125(f) and who is applying for readmission under section 101(a)(15)(M) of the Act, if the alien -

(i) Is admissible;

(ii) Is applying for readmission after an absence not exceeding thirty days solely in contiguous territory;

(iii) Is in possession of a valid passport unless exempt from the requirement for presentation of a passport; and

(iv) Presents, or is the accompanying spouse or child of an alien who presents, Form I-94 issued to the alien in connection with the previous admission or stay, the alien's Form I-20 ID copy, and a properly endorsed page 4 of Form I-20M-N.

(f) Students in colleges, universities, seminaries, conservatories, academic high schools, elementary schools, other academic institutions, and in language training programs - (1) Admission of student -(i) Eligibility for admission. Except as provided in paragraph (f)(4) of this section, an alien seeking admission to the United States under section 101(a)(15)(F)(i) of the Act (as an F-1 student) and the student's accompanying F-2 spouse and minor children, if applicable, are not eligible for admission unless -

(A) The student presents a Certificate of Eligibility for Nonimmigrant (F-1) Student Status, Form I-20A-B, properly and completely filled out by the student and by the designated official of the school to which the student is destined and the documentary evidence of the student's financial ability required by that form; and

(B) It is established that the student is destined to and intends to attend the school specified in the student's visa, unless the student is exempt from the requirement for presentation of a visa.

(ii) Disposition of Form I-20A-B. When a student is admitted to the United States, the inspecting officer shall forward Form I-20A-B to the Service's processing center. The processing center shall forward the Form I-20B to the school which issued the form to notify the school of the student's admission.

(2) Form I-20 ID copy. The first time an F-1 student comes into contact with the Service for any reason, the student must present to the Service a Form I-20A-B properly and completely filled out by the student and by the designated official of the school the student is attending or intends to attend. The student will be issued a Form I-20 ID copy with his or her admission number. The student must have the Form I-20 ID copy with him or her at all times. If the student loses the Form I-20 ID copy, the student must request a new Form I-20 ID copy on Form I-102 from the Service office having jurisdiction over the school the student was last authorized to attend.

(3) Spouse and minor children following to join student. The F-2 spouse and minor children following to join an F-1 student are not eligible for admission to the United States unless they present, as evidence that the student is or will, within sixty days, be enrolled in a full course of study or is engaged in approved practical training, either-

(i) A properly endorsed page 4 of Form I-20A-B if there has been no substantive change in the information on the student's most recent Form I-20A since the form was initially issued; or

(ii) A new Form I-20A-B if there has been any substantive change in the information on the student's most recent Form I-20A since the form was initially issued.

(4) Temporary absence - (i) General. An F-1 student returning to the United States from a temporary absence to attend the school which the student was previously authorized to attend must present either-

(A) A properly endorsed page 4 of Form I-20A-B if there has been no substantive change in the information on the student's most recent Form I-20A since the form was initially issued; or

(B) A new Form I-20A-B if there has been any substantive change in the information on the student's most recent Form I-20A since the form was initially issued.

(ii) Student who transferred between schools. If an F-1 student has been authorized to transfer between schools and is returning to the United States from a temporary absence in order to attend the school to which transfer was authorized as indicated on the student's Form I-20 ID copy, the name of the

agreement between the United States and the country which issued the alien's passport) unless the alien is exempt from the requirement for presentation of a passport -

(A) Any alien admitted to the United States as an F-1 student is to be admitted for duration of status as defined in paragraph (f)(5)(iii) of this section; and

(B) Any alien granted a change of nonimmigrant classification to that of an F-1 student is considered to be in status for duration of status as defined in paragraph (f)(5)(iii) of this section.

(ii) Conversion to duration of status. Any F-1 student in a college, university, seminary, conservatory, academic high school, elementary school, or other academic institution, or in a language training program who is pursuing a full couse of study and is otherwise in status as a student, is automatically granted duration of status. The dependent spouse and children of the student are also automatically granted duration of status if they are maintaining F-2 status. Any alien converted to duration of status under this paragraph need not present Form I-94 to the Service. This paragraph constitutes official notification of conversion to duration of status. The Service will issue a new Form I-94 to the alien when the alien comes into contact with the Service.

(iii) Meaning of duration of status. For purposes of this chapter, duration of status means the period during which the student is pursuing a full course of study in one educational program (e.g., elementary school, high school, bachelor's degree program, or master's degree program) and any period or periods of authorized practical training, plus thirty days following completion of the course of study or authorized practical training within which to depart from the United States. An F-1 student at an academic institution is considered to be in status during the summer if the student is eligible, and intends, to register for the next term. A student attending a school on a quarter or trimester calendar who takes only one vacation a year during any one of the quarters or trimesters instead of during the summer, however, is considered to be in status during that vacation provided that the student is eligible, and intends, to register for the next term and the student has completed the equivalent of an academic year prior to taking the vacation. An F-1 student who is compelled by illness to interrupt or reduce a course of study may be permitted to remain in the United States in duration of status for the time necessary to complete the course of study provided that it is established that the student will pursue a full course of study upon recovery from the illness.

(6) Full course of study. Successful completion of the course of study must lead to the attainment of a specific educational or professional objective. For purposes of this paragraph, a college or university is an institution of higher learning which awards recognized associate, bachelor's, master's, doctor's, or professional degrees. Schools which devote themselves exclusively or primarily to vocational, business, or language instruction are not included in the category of colleges or universities. A "full course of study" as required by section 101(a)(15)(F)(i) of the Act means -

(i) Postgraduate study or postdoctoral study or research at a college or university, or undergraduate or postgraduate study at a conservatory or religious seminary, certified by a designated school official as a full course of study;

(ii) Undergraduate study at a college or university, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter-hour systems, where all undergraduate students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full-time for other administrative purposes, or its equivalent (as determined by the district director) except when the student needs a lesser course load to complete the course of study during the current term;

(iii) Study in a postsecondary language, liberal arts, fine arts, or other nonvocational program at a school which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning within category (1) or (2) of § 214.3(c), and which has been certified by a designated school official to consist of at least twelve hours of instruction a week, or its equivalent as determined by the district director;

(iv) Study in any other language, liberal arts, fine arts, or other nonvocational training program, certified by a designated school official to consist of at least eighteen clock hours of attendance a week provided that the dominant part of the course of study consists of classroom instruction and twenty-two clock hours a week provided that the dominant part of the course of study consists of laboratory work; or

(v) Study in a primary or academic high school curriculum certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

(7) Extension of stay - (i) General. Any F-1 student who has completed or has been pursuing a full course of study in one educational program and who wishes to complete another educational program must apply for an extension of stay. Any F-1 student who has completed one educational program and who desires to complete another educational program at the same level of educational attainment, for example, a second master's degree, must also apply for an extension of stay. If the student also wishes to transfer to another school, the student must apply for a school transfer in the same application. If the student has not been pursuing a full course of study at the school the student was last authorized to attend, the student must apply for reinstatement to student status in accordance with the provisions of paragraph (f)(12) of this section.

(ii) Eligibility. An F-1 student may be granted an extension of stay if it is established that the student -

(A) Is a bona fide nonimmigrant currently maintaining student status; and

(B) Is able to, and in good faith intends to, continue to maintain that status for the period for which the extension is granted.

(iii) Application. An F-1 student must apply for an extension of stay on Form I-538. A student's F-2 spouse and children desiring an extension of stay must be included in the application. A student's F-2 spouse or children are not eligible for an extension of stay unless the student is granted an extension of stay. The student must submit the application to the Service office having jurisdiction over the school the student was last authorized to attend at least fifteen days but not more than sixty days before the expiration of the student's currently authorized stay. The application must be accompanied by the student's Form I-20 ID copy, and the Forms I-94 of the student's spouse and children, if applicable.

(iv) School transfer in conjunction with an application for extension of stay. If an F-1 student wishes to transfer to another school to pursue another educational program, the student's application for extension of stay and school transfer must be accompanied by Form I-20A-B properly and completely filled out by the student and by the designated official of the school the student wishes to attend. Sixty days after having filed an application for extension of stay and school transfer, an F-1 student may effect the transfer subject to approval or denial of the application. Any F-1 student who transfers without complying with this regulation or whose application is denied after transfer is considered to be out of status. If the application for transfer is approved, the approval of the transfer will be retroactive to the date of filing the application. The adjudicating officer shall endorse the name of the school to which the transfer has been authorized on the student's Form I-20 ID copy. The officer shall also endorse Form I-20B to indicate that a school transfer has been authorized and forward it with Form I-20A to the Service's processing center for file updating. The processing center shall forward Form I-20B to the school to which transfer has been authorized to notify the school of the action taken.

(v) Period of stay. If an application for extension of stay is granted, the student and the student's spouse and children, if applicable, are to be granted duration of status as defined in paragraph (f)(5)(iii) of this section.

(8) School transfer within the same educational program -

(i) Eligibility. An F-1 student is eligible to transfer to another school if the student -

(A) Is a bona fide nonimmigrant student;

(B) Has been pursuing a full course of study at the school the student was last authorized to attend;

(C) Intends to pursue a full course of study at the school to which the student intends to transfer; and

(D) Is financially able to attend the school to which the student intends to transfer.

(ii) Procedure at school student was last authorized to attend. Except in conjunction with an application for extension of stay as provided in paragraph (f)(7) of this section, an F-1 student who wants to transfer between schools must obtain from the school to which the student intends to transfer a properly completed Form I-20A-B relating to the student's eligibility for F-1 status. The student must give the Form I-20A-B to the school the student was last authorized to attend. The designated official of the school which the student was last authorized to attend must -

(A) Endorse Form I-20 Transfer to reflect the fact that the student has indicated the intent to transfer between schools and to give the recommendation of the designated school official at the school the student was last authorized to attend concerning the proposed transfer and the reasons for that recommendation if it is negative;

(B) Submit the endorsed Form I-20 Transfer with Form I-20A to the Service's processing center within thirty days of the date the student gave the official the Form I-20A-B[;]

(C) Send Form I-20B to the school to which the student intends to transfer to notify that school that Form I-20 Transfer has been submitted to the Service; and

(D) Give to the student the student transfer copy of Form I-20 Transfer within thirty days of the date the student gave the official a copy of the Form I-20A-B.

(iii) Procedure at school to which the student transfers. Within thirty days of the date the student registers at the new school, the designated school official at that school must endorse the student's Form I-20 ID copy to indicate the name of the school to which the student has transferred and the name, title, and signature of the designated school official of that school.

(iv) General. Except as provided in paragraph (f)(7)(iv) of this section, an F-1 student is authorized to transfer from one approved school to another if the procedures described in paragraphs (f)(8)(ii) and (iii) of this section are followed. In the case of a school transfer under paragraphs (f)(8)(ii) and (iii) of this section, a student who transfers to another school without furnishing to the designated official of the school the student was last authorized to attend a properly completed Form I-20A-B from the school the student intends to attend is considered to be out of status. In the case of a school transfer under paragraphs (f)(8)(ii) and (iii) of this section, if the designated school official at the school the student was last authorized to attend does not follow the procedure described in paragraph (f)(8)(ii) of this section, the student is considered to be out of status unless the student reports this noncompliance with the regulations, in writing, to the Service office having jurisdiction over that school, within forty days of the date the student gave the official the copy of Form I-20A-B. Any student who does not enroll in the new school in the first term or session which begins after the student leaves the previous school is considered to be out of status; however, if the student is entitled to a vacation as provided in paragraph (f)(5)(iii) of this section, the student may enroll in the new school in the first term or session which begins after that vacation. If a student who has not been pursuing a full course of study at the school the student was last authorized to attend desires to attend a different school, the student must apply for reinstatement to student status in accordance with the provisions of paragraph (f)(12) of this section. In the case of a school transfer under paragraphs (f)(8)(ii) and (iii) of this section, if a student transfers to an approved school other than the one to which the student initially indicated the intent to transfer, the student must apply for reinstatement to student status in accordance with the provisions of paragraph (f)(12) of this section.

(9) Employment. (i) On-campus employment. On-campus employment means employment performed on the school's premises. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study. An F-1 student may, therefore, engage in this kind of on-campus employment or any other on-campus employment which will not displace a United States resident. Employment authorized under this paragraph must not exceed twenty hours a week while school is in session. An F-1 student authorized to work under this paragraph however, may work full-time when school is not in session (including during the student's vacation) if the student is eligible, and intends, to register for the next term or session. The student may not engage in on-campus employment after completion of the student's course or courses of study, except employment for practical training as authorized under paragraph (f)(10) of this section.

(ii) Application for off-campus employment. Off-campus employment is prohibited for students who remain in the United States in F-1 status for one year or less. Off-campus employment is also prohibited during the first year in the United States for students who remain in the United States in F-1 status for more than one year. If a student pursues more than one course of study, off-campus employment is prohibited only during the first year of study in the

United States. The first year of study means the first full year in the United States in bona fide F-1 status. A temporary absence of five months or less from the United States during the first full year does not disqualify an F-1 student from being eligible for employment authorization. An F-1 student in a program longer than one year must apply for employment authorization on Form I-538 accompanied by the student's Form I-20 ID copy. The student must submit the application to the office of this Service having jurisdiction over the school the student was last authorized to attend. The designated school official must certify on Form I-538 that the student -

(A) Is in good standing as a student who is carrying a full course of study as defined in paragraph (f)(6) of this section;

(B) Has demonstrated economic necessity due to unforeseen circumstances arising subsequent to entry or subsequent to change to student classification;

(C) Has demonstrated that acceptance of employment will not interfere with the student's carrying a full course of study; and

(D) Has agreed not to work more than twenty hours a week when school is in session.

(iii) Conditions for off-campus employment. If off-campus employment is authorized, the adjudicating officer shall endorse the authorization on the student's Form I-20 ID copy and shall note the dates on which the employment authorization begins and ends. The employment authorization may be granted up to the expected date of completion of the student's current course of study. A student has permission to engage in off-campus employment only if the student receives his or her Form I-20 ID copy endorsed to that effect. Off-campus employment authorized under this section must not exceed twenty hours a week while school is in session. Any student authorized to work off-campus, however, may work full-time when school is not in session (including during the student's vacation) if the student is eligible, and intends, to register for the next term or session. Permission to engage in off-campus employment is terminated when the student transfers from one school to another or when the need for that employment ceases. Furthermore, a student may not engage in off-campus employment after completion of the student's course or courses of study except as authorized under paragraph (f)(10) of this section.

(iv) Temporary absence of F-1 student granted off-campus employment authorization. If a student who has been granted off-campus employment authorization departs from the United States temporarily and is readmitted to the United States during the period of time when employment is authorized, the student may resume the previously authorized employment. The student must be returning to attend the same school the student was authorized to attend when permission to accept off-campus employment was granted.

(v) Effect of strike or other labor dispute. Authorization for all employment, whether or not part of an academic program, is automatically suspended upon certification by the Secretary of Labor or the Secretary's designee to the Commissioner of Immigration and Naturalization or the Commissioner's designee that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation at the place of employment. As used in this paragraph, "place of employment" means wherever the employer or a joint employer does business.

(vi) Spouse and children of F-1 student. The F-2 spouse and children of an F-1 student may not accept employment.

(10) Practical training - (i) When practical training may be authorized. Temporary employment for practical training may be authorized only -

(A) After completion of the course of study if the student intends to engage in only one course of study;

(B) After completion of at least one course of study if the student intends to engage in more than one course of study;

(C) After completion of all course requirements for the degree if the student is in a bachelor's, master's, or doctoral degree program;

(D) Before completion of the course of study if the student is attending a college, university, seminary, or conservatory which requires practical training of all degree candidates in a specified professional field and the student is a candidate for a degree in that field; or

(E) Before completion of the course of study during the student's annual vacation if recommended by the designated school official as beneficial to the student's academic program.

(ii) Application for practical training - (A) General. An F-1 student must apply for permission to accept or continue employment for practical training on Form I-538 accompanied by the student's Form I-20 ID copy. The designated school official must certify on Form I-538 that -

(1) The proposed employment is for the purpose of practical training;

(2) The proposed employment is related to the student's course of study;

(3) Upon the designated school official's information and belief, employment comparable to the proposed employment is not available to the student in the country of the student's foreign residence.

(B) Application to accept practical training after completion of course of study. A student must file an application for permission to accept practical training after completion of a course of study not more than sixty days before completion of the course of study, nor more than thirty days after completion of the course of study. The application must be submitted to the Service office having jurisdiction over the school the student was last authorized to attend. The student need not have been offered temporary employment for practical training.

(C) Application to continue practical training after completion of course of study. A student must file an application for permission to continue employment for practical training after completion of a course of study at least fifteen days but not more than sixty days before the expiration of the applicant's currently authorized practical training. The application must be submitted to the Service office having jurisdiction over the actual place of employment. It must be accompanied by a letter from the applicant's employer stating the applicant's occupation, the exact date employment began, and the date the employment will terminate, and describing in detail the duties of the applicant's occupation.

(D) Application for practical training before completion of course of study. A student must submit an application for permission to engage in practical training before completion of the course of study to the Service office having jurisdiction over the school the student was last authorized to attend. The student need not have been offered temporary employment for practical training unless the student is applying for permission to continue practical training. In that case, the application must be accompanied by a letter from the student's employer stating the student's occupation, the exact date employment began, and the date the employment will terminate, and describing in detail the duties of the student's occupation.

(iii) Duration of practical training. If permission to engage in employment for practical training is granted, the adjudicating officer shall endorse the permission on the student's Form I-20 ID copy and shall note on that form the dates on which the practical training permission begins and

permission to accept temporary employment for practical training for six months or less if the student has not been offered temporary employment for practical training; for twelve months or less if the student has been offered temporary employment for practical training; or to continue temporary employment for practical training for eight months or less. The period of practical training which may be granted during a student's vacation, however, is limited to the length of the vacation rounded off to the closest number of months. A student may not be granted a period of practical training which would result in the student's being engaged in practical training for more than twelve months in the aggregate. When the course of study is of less than twelve months' duration, an F-1 student not in a language training program may be granted permission to engage in employment for practical training for an aggregate number of months not exceeding the length of the student's course of study. An F-1 student in a language training program may be granted employment for practical training for a period or periods of time equal to one month for each four months during which the student carried a full course of study at the school(s) the student was authorized to attend in the United States. Practical training authorized after completion of a course of study is deemed to commence on the date the student begins employment or sixty days after completion of the course of study, whichever is earlier. Permission to accept employment for practical training may not be granted if the training applied for cannot be completed within the maximum period of time for which the student is eligible. In such a case, the student may, upon graduation, apply for a change to another nonimmigrant classification which would permit the student's accepting employment.

(iv) Alternate work/study courses. An F-1 student enrolled in a college, university, conservatory or seminary having alternate work/study courses as a part of the regular curriculum available within the student's program of study may participate in those courses without obtaining a change of status and without obtaining permission to accept employment. Periods of actual off-campus employment which are part of a work/study program, however, are considered to be practical training. They, therefore, must be deducted from the total practical training time for which the student is eligible.

(v) Temporary absence of F-1 student granted practical training. An F-1 student who has been granted permission to accept employment for practical training and who departs from the United States temporarily, may be readmitted for the remainder of the authorized period indicated on the student's Form I-20 ID copy. The student must be returning to the United States to perform the authorized practical training. A student may not be readmitted to begin practical training which was not authorized prior to the student's departure from the United States.

(11) Decision on application for extension, permission to transfer to another school, or permission to accept or continue off-campus employment or practical training. The district director shall notify the applicant of the decision and, if the application is denied, of the reason or reasons for the denial. The applicant may not appeal the decision.

(12) Reinstatement to student status - (i) General. A district director may consider reinstating to F-1 student status an alien who was admitted to the United States as, or whose status was changed to that of, an F-1 student and who has overstayed the authorized period of stay or who has otherwise violated the conditions of his or her status only if the student -

(B) Makes a written request for reinstatement accompanied by a properly completed Form I-20A-B from the school the student is attending or intends to attend and the student's Form I-20 ID copy;

(C) Is currently pursuing, or intending to pursue, a full course of study at the school which issued the Form I-20A-B;

(D) Has not been employed off-campus without authorization, or, as a full-time student, has continued on-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship or other on-campus employment which did not displace a United States resident after the expiration of the authorized period of stay; and

(E) Is not deportable on any ground other than section 241(a)(2) or (9) of the Act.

(ii) Decision. If the district director reinstates the student, the district director shall endorse Form I-20B and the student's Form I-20 ID copy to indicate that the student has been reinstated, return the Form I-20 ID copy to the student, and forward Form I-20B with Form I-20A to the Service's processing center for file updating. The processing center shall forward Form I-20B to the school which the student is attending or intends to attend to notify the school of the student's reinstatement. If the district director does not reinstate the student, the student may not appeal that decision.

(13) School code suffix on Form I-20A-B. Each school system, other than an elementary or secondary school system, approved prior to August 1, 1983 for attendance by F-1 students must assign permanent consecutive numbers to all schools within its system. The number of the school within the system which an F-1 student is attending or intends to attend must be added as a three-digit suffix following a decimal point after the school file number on Form I-20A-B (e.g. .001). If an F-1 student is attending or intends to attend an elementary or secondary school in a school system or a school which is not part of a school system, a suffix consisting of a decimal point followed by three zeros must be added after the school file number on Form I-20A-B. The Service will assign school code suffixes to those schools it approves beginning August 1, 1983. No Form I-20A-B will be accepted after August 1, 1983 without the appropriate three-digit suffix.

accompanying M-2 spouse and minor children, if applicable, are not eligible for admission unless -

(A) The student presents a Certificate of Eligibility for Nonimmigrant (M-1) Student Status, Form I-20M-N, properly and completely filled out by the student and by the designated official of the school to which the student is destined and the documentary evidence of the student's financial ability required by that form; and

(B) It is established that the student is destined to and intends to attend the school specified in the student's visa unless the student is exempt from the requirement for presentation of a visa.

(ii) Disposition of Form I-20M-N. When a student is admitted to the United States, the inspecting officer shall forward Form I-20M-N to the Service's processing center. The processing center shall forward Form I-20N to the school which issued the form to notify the school of the student's admission.

(2) Form I-20 ID copy. The first time an M-1 student comes into contact with the Service for any reason, the student must present to the Service a Form I-20M-N properly and completely filled out by the student and by the designated official of the school the student is attending or intends to attend. The student will be issued a Form I-20 ID copy with his or her admission number. The student must have the Form I-20 ID copy with him or her at all times. If the student loses the Form I-20 ID copy, the student must request a new Form I-20 ID copy on Form I-102 from the Service office having jurisdiction over the school the student was last authorized to attend.

(3) Spouse and minor children following to join student. The M-2 spouse and minor children following to join an M-1 student are not eligible for admission to the United States unless they present, as evidence that the student is or will, within sixty days, be enrolled in a full course of study or is engaged in approved practical training, either-

(i) A properly endorsed page 4 of Form I-20M-N if there has been no substantive change in the information on the student's most recent Form I-20M since the form was initially issued; or

(ii) A new Form I-20M-N if there has been any substantive change in the information on the student's most recent Form I-20M since the form was initially issued.

(4) Temporary absence - (i) General. An M-1 student returning to the United States from a temporary absence to attend the school which the student was previously authorized to attend must present either -

(A) A properly endorsed page 4 of Form I-20M-N if there has been no substantive change in the information on the student's most recent Form I-20M since the form was initially issued; or

(B) A new Form I-20M-N if there has been any substantive change in the information on the student's most recent Form I-20M since the form was initially issued.

(ii) Student who transferred between schools. If an M-1 student has been authorized to transfer between schools and is returning to the United States from a temporary absence in order to attend the school to which transfer was authorized as indicated on the student's Form I-20 ID copy, the name of the school to which the student is destined does not need to be specified in the student's visa.

course of study indicated on Form I-20M plus thirty days within which to depart from the United States or for one year, whichever is less. An alien granted a change of nonimmigrant classification to that of an M-1 student is to be given an extension of stay for the period of time necessary to complete the course of study indicated on Form I-20M plus thirty days within which to depart from the United States or for one year, whichever is less.

(6) Conversion to M-1 status of students in established vocational or other recognized nonacademic institutions, other than in language training programs, who were F-1 students prior to June 1, 1982. A student in an established vocational or other recognized nonacademic institution, other than in a language training program, who is in status as an F-1 student under section 101(a)(15)(F)(i) of the Act in effect prior to June 1, 1982 and the student's F-2 spouse and children, if applicable, are -

(i) Automatically converted to M-1 and M-2 status respectively; and

(ii) Limited to the authorized period of stay shown on their Forms I-94 plus thirty days within which to depart from the United States or to an authorized period of stay which expires one year from August 1, 1983, whichever is less.

(7) Period of stay of student already in M-1 status. A student in an established vocational or other recognized nonacademic institution, other than in a language training program, who is already in M-1 status and the student's M-2 spouse and children, if applicable, are limited to the authorized period of stay shown on their Forms I-94 plus thirty days within which to depart from the United States or to an authorized period of stay which expires one year from August 1, 1983, whichever is less.

(8) Issuance of new I-94. A nonimmigrant whose status is affected by paragraph (m)(6) or (m)(7) of this section need not present Form I-94 to the Service. Either paragraph constitutes official notification to a student whose status is affected by it of that status. The Service will issue a new Form I-94 to an alien whose status is affected by either paragraph when that alien comes into contact with the Service.

(9) Full course of study. Successful completion of the course of study must lead to the attainment of a specific educational or vocational objective. A "full course of study" as required by section 101(a)(15)(M)(i) of the Act means -

(i) Study at a community college or junior college, certified by a school official to consist of at least twelve semester or quarter hours of instruction per academic term in those institutions using standard semester, trimester, or quarter-hour systems, where all students enrolled for a minimum of twelve semester or quarter hours are charged full-time tuition or considered full-time for other administrative purposes, or its equivalent (as determined by the district director) except when the student needs a lesser course load to complete the course of study during the current term;

(ii) Study at a postsecondary vocational or business school, other than in a language training program except as provided in § 214.3(a)(2)(iv), which confers upon its graduates recognized associate or other degrees or has established that its credits have been and are accepted unconditionally by at least three institutions of higher learning within category (1) and (2) of § 214.3(c), and which has been certified by a designated school official to consist of at least twelve hours of instruction a week, or its equivalent as determined by the district director;

dominant part of the course of study consists of shop or laboratory work; or

(iv) Study in a vocational or other nonacademic high school curriculum, certified by a designated school official to consist of class attendance for not less than the minimum number of hours a week prescribed by the school for normal progress towards graduation.

(10) Extension of stay - (i) Eligibility. An M-1 student may be granted an extension of stay if it is established that the student -

(A) Is a bona fide nonimmigrant currently maintaining student status; and

(B) Is able to, and in good faith intends to, continue to maintain that status for the period for which the extension is granted.

(ii) Application. An M-1 student must apply for an extension of stay on Form I-538. A student's M-2 spouse and children desiring an extension of stay must be included in the application. A student's M-2 spouse or children are not eligible for an extension of stay unless the student is granted an extension of stay. The student must submit the application to the Service office having jurisdiction over the school the student was last authorized to attend at least fifteen days but not more than sixty days before the expiration of the student's currently authorized stay. The application must also be accompanied by the student's Form I-20 ID copy and the Forms I-94 of the student's spouse and children, if applicable.

(iii) Period of stay. If an application for extension of stay is granted, the student and the student's spouse and children, if applicable, are to be given an extension of stay for the period of time necessary to complete the course of study plus thirty days within which to depart from the United States or for one year, whichever is less. An M-1 student who has been compelled by illness to interrupt or reduce a course of study may be granted an extension of stay without being required to change nonimmigrant classification provided that it is established that the student will pursue a full course of study upon recovery from the illness.

(11) School transfer - (i) Eligibility. An M-1 student may not transfer to another school after six months from the date the student is first admitted as, or changes nonimmigrant classification to that of, an M-1 student unless the student is unable to remain at the school to which the student was initially admitted due to circumstances beyond the student's control. An M-1 student may be otherwise eligible to transfer to another school if the student -

(A) Is a bona fide nonimmigrant;

(B) Has been pursuing a full course of study at the school the student was last authorized to attend;

(C) Intends to pursue a full course of study at the school to which the student intends to transfer; and

(D) Is financially able to attend the school to which the student intends to transfer.

(ii) Procedure. An M-1 student must apply for permission to transfer between schools on Form I-538 accompanied by the student's Form I-20 ID copy and the Forms I-94 of the student's spouse and children, if applicable. The Form I-538 must also be accompanied by Form I-20M-N properly and completely filled out by the student and by the designated official of the school which the student wishes to attend. The student must submit the application for

pursuant to this regulation is considered to be out of status. If the application is approved, the approval of the transfer will be retroactive to the date of filing the application, and the student will be granted an extension of stay for the period of time necessary to complete the course of study indicated on Form I-20M plus thirty days within which to depart from the United States or for one year, whichever is less. The adjudicating officer must endorse the name of the school to which transfer is authorized on the student's Form I-20 ID copy. The officer must also endorse Form I-20N to indicate that a school transfer has been authorized and forward it with Form I-20M to the Service's processing center for file updating. The processing center shall forward Form I-20N to the school to which the transfer has been authorized to notify the school of the action taken.

(iii) Student who has not been pursuing a full course of study. If an M-1 student who has not been pursuing a full course of study at the school the student was last authorized to attend desires to attend a different school, the student must apply for reinstatement to student status under paragraph (m)(16) of this section.

(12) Change in educational objective. An M-1 student may not change educational objective.

(13) Employment. Except as provided in paragraph (m)(14) of this section, M-1 students may not accept employment. A student already in M-1 status on August 1, 1983 or a student converted to M-1 status under paragraph (m)(6) of this section who was authorized off-campus employment under the regulations previously in effect, however, may continue to work until the date of expiration of the previously authorized period of employment. The M-2 spouse and children of an M-1 student may not accept employment.

(14) Practical training - (i) When practical training may be authorized. Temporary employment for practical training may be authorized only after completion of the student's course of study.

(ii) Application. An M-1 student must apply for permission to accept employment for practical training on Form I-538 accompanied by the student's Form I-20 ID copy. The student must submit the application to the Service office having jurisdiction over the school the student was last authorized to attend. The application must be submitted prior to the expiration of the student's authorized period of stay and not more than sixty days before nor more than thirty days after completion of the course of study. The designated school official must certify on Form I-538 that -

(A) The proposed employment is recommended for the purpose of practical training;

(B) The proposed employment is related to the student's course of study; and

(C) Upon the designated school official's information and belief, employment comparable to the proposed employment is not available to the student in the country of the student's foreign residence.

(iii) Duration of practical training. If permission to engage in employment for practical training is granted, the adjudicating officer shall endorse the permission on the student's Form I-20 ID copy and shall note the dates on which the practical training permission begins and ends. The

employment may not be granted if the training applied for cannot be completed within the maximum period of time for which the applicant is eligible.

(iv) Temporary absence of M-1 student granted practical training. An M-1 student who has been granted permission to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period indicated on the student's Form I-20 ID copy. The student must be returning to the United States to perform the authorized practical training. A student may not be readmitted to begin practical training which was not authorized prior to the student's departure from the United States.

(v) Effect of strike or other labor dispute. Authorization for all employment for practical training is automatically suspended upon certification by the Secretary of Labor or the Secretary's designee to the Commissioner of Immigration and Naturalization or the Commissioner's designee that a strike or other labor dispute involving a work stoppage of workers is in progress in the occupation at the place of employment. As used in this paragraph, "place of employment" means wherever the employer or joint employer does business.

(15) Decision on application for extension, permission to transfer to another school, or permission to accept employment for practical training. The district director shall notify the applicant of the decision and, if the application is denied, of the reason(s) for the denial. The applicant may not appeal the decision.

(16) Reinstatement to student status - (i) General. A district director may consider reinstating to M-1 student status an alien who was admitted to the United States as, or whose status was changed to that of, an M-1 student and who has overstayed the authorized period of stay or who has otherwise violated the conditions of his or her status only if -

(A) The student establishes to the satisfaction of the district director that the violation of status resulted from circumstances beyond the student's control or that failure to receive reinstatement to lawful M-1 status would result in extreme hardship to the student;

(B) The student makes a written request for reinstatement accompanied by a properly completed Form I-20M-N from the school the student is attending or intends to attend and the student's Form I-20 ID copy;

(C) The student is currently pursuing, or intending to pursue, a full course of study at the school which issued the Form I-20M-N;

(D) The student has not been employed without authorization; and

(E) The student is not deportable on any ground other than section 241(a)(2) or (9) of the Act.

(ii) Decision. If the district director reinstates the student, the district director shall endorse Form I-20N and the student's Form I-20 ID copy to indicate that the student has been reinstated, return the Form I-20 ID copy to the student, and forward Form I-20N with Form I-20M to the Service's processing center for file updating. The processing center shall forward Form I-20N to the school which the student is attending or intends to attend to notify the school of the student's reinstatement. If the district director does not reinstate the student, the student may not appeal that decision.

a secondary school system, approved prior to August 1, 1983 for attendance by M-1 students must assign permanent consecutive numbers to all schools within its system. The number of the school within the system which an M-1 student is attending or intends to attend must be added as a three-digit suffix following a decimal point after the school file number on Form I-20M-N (e.g. .001). If an M-1 student is attending or intends to attend a secondary school in a school system or a school which is not part of a school system, a suffix consisting of a decimal point followed by three zeros must be added after the school file number on Form I-20M-N. The Service will assign school code suffixes to those schools it approves beginning August 1, 1983. No Form I-20M-N will be accepted after August 1, 1983 without the appropriate three-digit suffix.

§ 214.3 Petitions for approval of schools.

(a) Filing petition - (1) General. A school or school system seeking approval for attendance by nonimmigrant students under sections 101(a)(15)(F)(i) or 101(a)(15)(M)(i) of the Act, or both, shall file a petition on Form I-17 with the district director having jurisdiction over the place in which the school or school system is located. Separate petitions are required for different schools in the same school system located within the jurisdiction of different district directors. A petition by a school system must specifically identify by name and address those schools included in the petition. The petition must also state whether the school or school system is seeking approval for attendance of nonimmigrant students under section 101(a)(15)(F)(i) or 101(a)(15)(M)(i) of the Act, or both.

(2) Approval for F-1 or M-1 classification, or both - (i) F-1 classification. The following schools may be approved for attendance by nonimmigrant students under section 101(a)(15)(F)(i) of the Act:

(A) A college or university, i.e., an institution of higher learning which awards recognized bachelor's, master's, doctor's or professional degrees.

(B) A community college or junior college which provides instruction in the liberal arts or in the professions and which awards recognized associate degrees.

(C) A seminary.

(D) A conservatory.

(E) An academic high school.

(F) An elementary school.

(G) An institution which provides language training, instruction in the liberal arts or fine arts, instruction in the professions, or instruction or training in more than one of these disciplines.

(ii) M-1 classification. The following schools are considered to be vocational or nonacademic institutions and may be approved for attendance by nonimmigrant students under section 101(a)(15)(M)(i) of the Act:

(A) A community college or junior college which provides vocational or technical training and which awards recognized associate degrees.

(B) A vocational high school.

(C) A school which provides vocational or nonacademic training other than language training.

(iii) Both F-1 and M-1 classification. A school may be approved for attendance by nonimmigrant students under both sections 101(a)(15)(F)(i) and 101(a)(15)(M)(i) of the Act if it has both instruction in the liberal arts, fine arts, language, religion, or the professions and vocational or technical training. In that case, a student whose primary intent is to pursue studies in liberal arts, fine arts, language, religion, or the professions at the school is classified as a nonimmigrant under section 101(a)(15)(F)(i) of the Act. A student whose primary intent is to pursue vocational or technical training at the school is classified as a nonimmigrant under section 101(a)(15)(M)(i) of the Act.

(iv) English language training for a vocational student. A student whose primary intent is to pursue vocational or technical training who takes English language training at the same school solely for the purpose of being able to understand the vocational or technical course of study is classified as a nonimmigrant under section 101(a)(15)(M)(i) of the Act.

(b) Supporting documents. A petitioning school or school system owned and operated as a public educational institution or system by the United States or

official who shall certify that he is authorized to do so to the effect that it meets the requirements of the State or local public educational system. Any other petitioning school shall submit a certification by the appropriate licensing, approving, or accrediting official who shall certify that he is authorized to do so to the effect that it is licensed, approved, or accredited. In lieu of such certification a school which is recognized by a State-approving agency as an "Educational institution" for study for veterans under the provisions of Pub. L. 550 (82d Congress) may submit a statement of recognition signed by the appropriate official of the State approving agency who shall certify that he is authorized to do so. A charter shall not be considered a license, approval or accreditation. Except in connection with a petition submitted by a school or school system owned and operated as a public educational institution or system by the United States or a State or a political subdivision thereof, or by a school listed in the current Department of Education publications, "Accredited Postsecondary Institutions and Programs" or "Education Directory, Colleges and Universities," or by a secondary school operated by or as part of a school so listed, a school catalog, if one is issued, shall also be submitted with each petition. If not included in the catalogue, or if a catalogue is not issued, the school shall furnish a written statement containing information concerning the: (1) Size of its physical plant; (2) nature of its facilities for study and training; (3) educational, vocational or professional qualifications of the teaching staff; (4) salaries of the teachers; (5) attendance and scholastic grading policy; (6) amount and character of supervisory and consultative services available to students and trainees; and (7) finances (including a certified copy of accountant's last statement of school's net worth, income, and expenses). If the petitioner is a vocational, business, or language school, or American institution of research recognized as such by the Attorney General, it must submit evidence that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective, and are not avocational or recreational in character. If the petitioner is an institution of higher education and is not within category (1) or (2) of paragraph (c) of this section, it must submit evidence that it confers upon its graduates recognized bachelor, master, doctor, professional, or divinity degrees, or if it does not confer such degrees that its credits have been and are accepted unconditionally by at least three institutions of higher learning within category (1) or (2) of paragraph (c) of this section. If the petitioner is an elementary or secondary school and is not within category (1) or (3) of paragraph (c) of this section, it must submit evidence that attendance at the petitioning institution satisfies the compulsory attendance requirements of the State in which it is located and that the petitioning school qualifies graduates for acceptance by schools of higher educational level within category (1), (2), or (3) of paragraph (c) of this section.

(c) Consultation with U.S. Department of Education. The U.S. Department of Education has been consulted by the Service and has advised that each of the following is considered an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses: (1) A school (or school system) owned and operated as a public

current U.S. Department of Education publications, "Accredited Postsecondary Institutions and Programs" or "Education Directory, Colleges and Universities". Before a decision is made on a petition filed by any other school, the district director shall consult the U.S. Department of Education by transmitting to that Department the petition, supporting documents and any report of interview or other inquiry conducted by the Service, with a request for advice as to whether the petitioner is an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses.

(d) Interview of petitioner. An authorized representative of the petitioner shall appear in person before an immigration officer prior to the adjudication of the petition to be interviewed under oath concerning the eligibility of the school for approval. An interview may be waived by the district director if the school is within the category (1), (2), or (3) of paragraph (c) of this section.

(e) Approval of petition - (1) Eligibility. To be eligible for approval, the petitioner must establish that -

(i) It is a bona fide school;

(ii) It is an established institution of learning or other recognized place of study;

(iii) It possesses the necessary facilities, personnel, and finances to conduct instruction in recognized courses; and

(iv) It is, in fact, engaged in instruction in those courses.

(2) General. Upon approval of a petition, the district director shall notify the petitioner. The approval of a school for attendance by nonimmigrant students is valid only as long as the school continues to operate in the manner represented on the petition. The approval is also valid only for the type of student, i.e., F-1 or M-1 or both, specified in the approval notice. The approval may be withdrawn in accordance with the provisions of § 214.4.

(f) Denial of petition. If the petition is denied, the petitioner shall be notified of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

(g) Record-keeping and reporting requirements - (1) Record-keeping requirements. An approved school must keep records containing certain specific information and documents relating to each F-1 or M-1 student to whom it has issued a Form I-20A or I-20M while the student is attending the school and until the school notifies the Service, in accordance with the requirements of paragraph (g)(2) of this section, that the student is not pursuing a full course of study. The school must keep a record of having complied with the reporting requirements for at least one year. If a student who is out of status is restored to status, the school the student is attending is responsible for maintaining these records following receipt of notification from the Service that the student has been restored to status. The designated school official must make the information and documents required by this paragraph available to and furnish them to any Service officer upon request.

The information and documents which the school must keep on each student are as follows:

(i) The admission number from the student's Form I-20 ID copy.
(ii) Country of citizenship.
(iii) Address and telephone number.
(iv) Status, i.e., full-time or part-time.
(v) Course load.
(vi) Date of commencement of studies.
(vii) Degree program and field of study.
(viii) Expected date of completion.
(ix) Nonimmigrant classification.
(x) Termination date and reason, if known.
(xi) The documents referred to in paragraph (k) of this section.
(xii) Information specified by the Service as necessary to identify the student, such as date and place of birth, and to determine the student's immigration status.

(2) Reporting requirements. At intervals specified by the Service but not more frequently than once a term or session, the Service's processing center shall send each school (to the address given on Form I-17 as that to which the list should be sent) a list of all F-1 and M-1 students who, according to Service records, are attending that school. A designated school official at the school must note on the list whether or not each student on the list is pursuing a full course of study and give, in addition to the above information, the names and current addresses of all F-1 or M-1 students, or both, not listed, attending the school and other information specified by the Service as necessary to identify the students and to determine their immigration status. The designated school official must comply with the request, sign the list, state his or her title, and return the list to the Service's processing center within sixty days of the date of the request.

(h) Review of school approvals - (1) Regular review of school approvals. The district director shall review from time to time the approval granted to each school in his or her district. The purpose of the review is to determine whether the school meets the eligibility requirements of paragraph (e) of this section and has complied with the reporting requirements of paragraph (g)(2) of this section. The district director may require each school whose approval is reviewed to furnish a currently executed Form I-17 as a petition for continuation of school approval without fee together with the supporting documents specified in paragraph (b) of this section. If, upon completion of the review, the district director finds that the approval should not be continued, the district director shall institute withdrawal proceedings in accordance with § 214.4(b).

(2) One-time recertification process -(i) General. Beginning on August 1, 1983, the Service shall notify, in writing, each approved school that it must submit a petition for continuation of its school approval. By November 15, 1983 or ninety days after receipt of the notification, whichever is later, each school desiring to continue its approval must submit to the Service -

(A) Form I-17 without fee;
(B) The names, titles, and sample signatures of its designated officials as defined in paragraph (1)(1) of this section;
(C) A statement signed by each designated official certifying that the official has read the Service regulations relating to nonimmigrant students, namely §§ 214.1(b), 214.2(f), and 214.2(m); the Service regulations relating to change of nonimmigrant classification for students, namely §§ 248.1(c), 248.1(d), 248.3(b), and 248.3(d); the Service regulations relating to school

approval; namely this section, and the Service regulations relating to withdrawal of school approval, namely § 214.4; and affirming the official's intent to comply with these regulations; and

(D) The supporting documents specified in paragraph (b) of this section.

(ii) Withdrawal of school approval. The purpose of the one-time recertification process is to enable the Service to update its records and review the approval of each school desiring to continue its approval to determine whether it meets the eligibility requirements of paragraph (e) of this section and has complied with the reporting requirements of paragraph (g)(2) of this section. If, upon completion of the review, the Service finds that the approval should not be continued, the district director having jurisdiction over the school shall institute withdrawal proceedings in accordance with § 214.4(b). If an approved school fails to submit a petition for continuation of school approval in accordance with this paragraph, its approval will be automatically withdrawn. The district director shall advise the school of an automatic withdrawal of a school's approval pursuant to this paragraph. The effective date of the withdrawal is the date of the notice of that withdrawal. Automatic withdrawal of the school's approval is without prejudice to consideration of a new petition for school approval.

(i) Administration of student regulations by the Immigration and Naturalization Service. District directors in the field shall be responsible for conducting periodic reviews on the campuses under the jurisdiction of their offices to determine whether students are complying with Service regulations including keeping their passports valid for a period of six months at all times when required. Service officers shall take appropriate action regarding violations of the regulations.

(j) Advertising. In any advertisement, catalogue, brochure, pamphlet, literature, or other material hereafter printed or reprinted by or for an approved school, any statement which may appear in such material concerning approval for attendance by nonimmigrant students shall be limited solely to the following: This school is authorized under Federal law to enroll nonimmigrant alien students.

(k) Issuance of Certificate of Eligibility. A designated official of a school that has been approved for attendance by nonimmigrant students must certify Form I-20A or I-20M, but only after page 1 has been completed in full. A Form I-20A-B or I-20M-N issued by an approved school system must state which school within the system the student will attend. The form must be issued in the United States. Only a designated official shall issue a Certificate of Eligibility, Form I-20A-B or I-20M-N, to a prospective student and only after the following conditions are met:

(1) The prospective student has made a written application to the school.

(2) The written application, the student's transcripts or other records of courses taken, proof of financial responsibility for the student, and other supporting documents have been received, reviewed, and evaluated at the school's location in the United States.

(3) The appropriate school authority has determined that the prospective student's qualifications meet all standards for admission.

(4) The official responsible for admission at the school has accepted the prospective student for enrollment in a full course of study.

(l) Designated official - (1) Meaning of term "designated official". As used in §§ 214.1(b), 214.2(f), 214.2(m), 214.4 and this section, a "designated official" or "designated school official" means a regularly employed member of the school administration whose office is located at the school and whose compensation does not come from commissions for recruitment of

campus may have up to five designated officials at any one time. In an elementary or secondary school system, however, the entire school system is limited to five designated officials at any one time.

(2) Name, title, and sample signature. Petitions for school approval must include the names, titles, and sample signatures of designated officials. An approved school must report to the Service office having jurisdiction over it any changes in designated officials and furnish the name, title, and sample signature of the new designated official within thirty days of each change.

(3) Statement of designated official. A petition for school approval must include a statement by each designated official certifying that the official has read the Service regulations relating to nonimmigrant students, namely §§ 214.1(b), 214.2(f), and 214.2(m); the Service regulations relating to change of nonimmigrant classification for students, namely §§ 248.1(c), 248.1(d), 248.3(b), and 248.3(d); the Service regulations relating to school approval, namely this section and the regulations relating to withdrawal of school appproval namely, § 214.4; and affirming the official's intent to comply with these regulations. An approved school must also submit to the Service office having jurisdiction over it such a statement from any new designated official within thirty days of each change in designated official.

sections 101(a)(15)(F)(i) or 101(a)(15)(M)(i) of both, of the Act, of a petition by a school or school system for the attendance of nonimmigrant students will be withdrawn on notice if the school or school system is no longer entitled to the approval for any valid and substantive reason including, but not limited to, the following:

(i) Failure to comply with § 214.3(g)(1) without a subpoena.

(ii) Failure to comply with § 214.3(g)(2).

(iii) Failure of a designated official to notify the Service that an F-1 student intends to transfer to another school as required by § 214.2(f)(8)(ii).

(iv) Willful issuance by a designated official of a false statement or certification in connection with a school transfer or an application for employment or practical training.

(v) Any conduct on the part of a designated official which does not comply with the regulations.

(vi) The designation as a designated official of an individual who does not meet the requirements of § 214.3(l)(1).

(vii) Failure to provide the Service with the names, titles, and sample signatures of designated officials as required by § 214.3(l)(2).

(viii) Failure to submit statements of designated officials as required by § 214.3(l)(3).

(ix) Issuance of Forms I-20A or I-20M to students without receipt of proof that the students have met scholastic, language or financial requirements.

(x) Issuance of Forms I-20A or I-20M to aliens who will not be enrolled in or carry full courses of study as defined in §§ 214.2(f)(6) or 214.2(m)(9).

(xi) Failure to operate as a bona fide institution of learning.

(xii) Failure to employ qualified professional personnel.

(xiii) Failure to limit its advertising in the manner prescribed in § 214.3(j).

(xiv) Failure to maintain proper facilities for instruction.

(xv) Failure to maintain accreditation or licensing necessary to qualify graduates as represented in the petition.

(xvi) Failure to maintain the physical plant, curriculum, and teaching staff in the manner represented in the petition for school approval.

(xvii) Failure to comply with the procedures for issuance of Forms I-20A or I-20M as set forth in § 214.3(k).

(2) Automatic withdrawal. If an approved school terminates its operations, approval will be automatically withdrawn as of the date of termination of the operations. If an approved school changes ownership, approval will be automatically withdrawn sixty days after the change of ownership unless the school files a new petition for school approval within sixty days of that change of ownership. The district director must review the petition to determine whether the school still meets the eligibility requirements of § 214.3(e). If, upon completion of the review, the district director finds that the approval should not be continued, the district director shall institute withdrawal proceedings in accordance with paragraph (b) of this section. Automatic withdrawal of a school's approval is without prejudice to consideration of a new petition for school approval.

the grounds upon which it is intended to withdraw its approval. In such a proceeding the authorized representative of the school or school system shall be known as the respondent. The notice shall also inform the respondent that he may, within 30 days of the date of service of the notice, submit written representations under oath supported by documentary evidence setting forth reasons why the approval should not be withdrawn, and that he may, within such period, request a hearing before a special inquiry officer in support of, or in lieu of his written answer. The respondent shall further be informed that he may have the assistance of or be represented by counsel or representative of his choice qualified under Part 292 of this chapter, without expense to the Government, in the preparation of his answer or in connection with his hearing, and that he may present such evidence in his behalf as may be relevant to the withdrawal.

(c) Allegations admitted; no answer filed; no hearing requested. If the answer admits all the allegations in the notice, or if no answer is filed within the 30-day period, or if no hearing is requested within such period, the district director shall withdraw the approval previously granted and shall notify the respondent of the decision. No appeal shall lie from the district director's decision.

(d) Allegations contested or denied; hearing requested. If, within the prescribed time following service of the notice pursuant to paragraph (b) of this section, the respondent has filed an answer which contests or denies any allegation in the notice, or a hearing is requested, a hearing pursuant to paragraph (f) of this section shall be conducted by a special inquiry officer and the procedures specified in §§ 242.10, 242.13, 242.14 (c), (d), and (e), and 242.15 of this chapter shall apply.

(e) Special inquiry officer's authority; withdrawal and substitution. In any proceeding conducted under this section, the special inquiry officer shall have authority to interrogate, examine, and cross-examine the respondent and other witnesses, to receive evidence, to determine whether approval shall be withdrawn, to make decisions thereon, including an appropriate order, and to take any other action consistent with applicable provisions of law and regulations as may be appropriate to the disposition of the case. The special inquiry officer may, in his discretion, consider any information and views furnished by the Department of Education of the United States, which shall be made part of the record of proceedings and may be rebutted by the respondent. Nothing contained in this section shall be construed to diminish the authority conferred on special inquiry officers by the Act. The special inquiry officer assigned to conduct a hearing shall, at any time, withdraw if he deems himself disqualified. If a hearing has begun but no evidence has been adduced other than the notice and answer, if any, pursuant to paragraphs (b) and (d) of this section, or if a special inquiry officer becomes unavailable to complete his duties within a reasonable time, or if at any time the respondent consents to a substitution, another special inquiry officer may be assigned to complete the case. The new special inquiry officer shall familiarize himself with the record in the case and shall state for the record that he has done so.

(f) Hearing--(1) Trial attorney. The Government shall be represented at the hearing by a trial attorney who shall have authority to present evidence, and to interrogate, examine, and cross-examine the respondent and other

(2) Opening. The special inquiry officer shall advise the respondent of the nature of the proceeding and the legal authority under which it is conducted; advise the respondent of his right to representation, at no expense to the Government, by counsel of his own choice qualified under Part 292 of this chapter, and require him to state then and there whether he desires representation; advise the respondent that he will have a reasonable opportunity to examine and object to the evidence against him, to present evidence in his own behalf, and to cross-examine witnesses presented by the Government; place the respondent under oath; read the allegations in the notice to the respondent and explain them in nontechnical language, and enter the notice and respondent's answer, if any, as exhibits in the record.

(3) Pleading by respondent. The special inquiry officer shall require the respondent to state for the record whether he admits or denies the allegations contained in the notice, or any of them, and whether he concedes that the approval of the petition by the school or school system for the attendance of nonimmigrant students should be withdrawn. If the respondent admits all of the allegations and concedes that the approval in his case should be withdrawn under the allegations set forth in the notice, and the special inquiry officer is satisfied that no issues of law or fact remain, he may determine that cause for withdrawal as alleged has been established by the respondent's admissions. The allegations contained in the notice shall be taken as admitted when the respondent, without reasonable cause, fails or refuses to attend or remain in attendance at the hearing.

(g) Decision and order. The decision of the special inquiry officer may be oral or written. Except when a determination of withdrawal is based on the respondent's admissions pursuant to paragraph (f)(3) of this section, the decision shall include a discussion of the evidence and findings as to withdrawal. The formal enumeration of findings is not required. The order shall direct either that the proceeding be terminated or that the approval be withdrawn.

(h) Notice of decision--(1) Written decision. A written decision shall be served upon the respondent and the trial attorney, together with the notice of the right to appeal pursuant to Part 103 of this chapter.

(2) Oral decision. An oral decision shall be stated by the special inquiry officer in the presence of the respondent and the trial attorney at the conclusion of the hearing. Unless appeal from the decision is waived, the respondent shall be furnished with Notice of Appeal, Form I-290B, and advised of the provisions of paragraph (j) of this section. A typewritten copy of the oral decision shall be furnished at the request of the respondent or the trial attorney.

(i) Finality of order. The order of the special inquiry officer shall be final except when the case is certified to the regional commissioner as provided in Part 103 of this chapter or an appeal is taken to the regional commissioner by the respondent or the trial attorney.

(j) Appeals. Pursuant to Part 103 of this chapter, an appeal from a decision of a special inquiry officer under paragraph (g) of this section shall lie to the regional commissioner having jurisdiction over the district in which the proceeding was commenced. An appeal shall be taken within 15 days after the mailing of a written decision or the stating of an oral decision. The reasons for the appeal shall be stated briefly in the notice of appeal, Form I-290B; failure to do so may constitute a ground for dismissal of the appeal by the regional commissioner.

of § 103.5 of this chapter. The special inquiry officer may upon his own motion, or upon motion of the trial attorney or the respondent, reopen or reconsider any case in which he has made a decision, unless jurisdiction in the case is vested in the regional commissioner under Part 103 of this chapter. A motion to reopen shall not be granted by a special inquiry officer unless he is satisfied that evidence sought to be offered is material and was not available and could not have been discovered or presented at the hearing.

student. A nonimmigrant applying for a change to classification as a student under sections 101(a)(15)(F)(i) or 101(a)(15)(M)(i) of the Act is not considered ineligible for such a change solely because the applicant may have started attendance at school before the application was submitted. The district director shall deny an application for a change to classification as a student under section 101(a)(15)(M)(i) of the Act if the applicant intends to pursue the course of study solely in order to qualify for a subsequent change of nonimmigrant classification to that of an alien temporary worker under section 101(a)(15)(H) of the Act. Furthermore, an alien may not change from classification as a student under section 101(a)(15)(M)(i) of the Act to that of a student under section 101(a)(15)(F)(i) of the Act.

(d) Application for change of nonimmigrant classification from that of a student under section 101(a)(15)(M)(i) to that described in section 101(a)(15)(H). A district director shall deny an application for change of nonimmigrant classification from that of an M-1 student to that of an alien temporary worker under section 101(a)(15)(H) of the Act if the education or training which the student received while an M-1 student enables the student to meet the qualifications for temporary worker classification under section 101(a)(15)(H) of the Act.

(b) Application and fee not required. For a change of nonimmigrant classification to a classification under section 101(a)(15)(A) or 101(a)(15)(G) of the Act, the Department of State must send a letter to the district director. For all other changes of nonimmigrant classification as described below, the applicant must submit a letter to the district director requesting the change of nonimmigrant classification. Neither an application nor a fee is required for the following changes of nonimmigrant classification:

(1) A change to classification under section 101(a)(15)(A) or (G) of the Act.

(2) A change to classification under sections 101(a)(15)(A) or (G) of the Act for an immediate family member, as defined in 22 CFR 41.1, of a principal alien whose status has been changed to such a classification.

(3) A change to the appropriate classification for the nonimmigrant spouse or child of an alien whose status has been changed to a classification under sections 101(a)(15)(E), (F), (H), (I), (J), (L), or (M) of the Act.

(4) A change of classification from that of a visitor for pleasure under section 101(a)(15)(B) of the Act to that of a visitor for business under the same section.

(5) A change of classification from that of a student under section 101(a)(15)(F)(i) of the Act to that of an accompanying spouse or minor child under section 101(a)(15)(F)(ii) of the Act or vice versa.

(6) A change from any classification within section 101(a)(15)(H) of the Act to any other classification within section 101(a)(15)(H) of the Act provided that the requisite Form I-129B visa petition has been filed and approved.

(7) A change from classification as a participant under section 101(a)(15)(J) of the Act to classification as an accompanying spouse or minor child under that section or vice versa.

(8) A change from classification as an intra-company transferee under section 101(a)(15)(L) of the Act to classification as an accompanying spouse or minor child under that section or vice versa.

(9) A change of classification from that of a student under section 101(a)(15)(M)(i) of the Act to that of an accompanying spouse or minor child under section 101(a)(15)(M)(ii) of the Act or vice versa.

(d) Change of classification not required. The following do not need to request a change of classification:

(1) An alien classified as a visitor for business under section 101(a)(15)(B) of the Act who intends to remain in the United States temporarily as a visitor for pleasure during the period of authorized admission; or

(2) An alien classified under sections 101(a)(15)(A) or 101(a)(15)(G) of the Act as a member of the immediate family of a principal alien classified under the same section, or an alien classified under section 101(a)(15)(E), (F), (H), (I), (J), (L), or (M) of the Act as the spouse or child who accompanied or followed to join a principal alien who is classified under the same section, to attend school in the United States, as long as the immediate family member, spouse or child continues to be qualified for and maintains the status under which the family member, spouse or child is classified.